

Rev. 4/18

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 22-12796-A

Caption:  <b>Valle</b>  v.  <b>3M Company</b>	District and Division: <u>Northern District of Florida</u> Name of Judge: <u>Hon. M. Casey Rodgers</u> Nature of Suit: <u>Personal injury/injunctive relief</u> <hr/> Date Complaint Filed: <u>4/9/2020</u> District Court Docket Number: <u>3:19-md-02885-MCR-GRJ</u> <hr/> Date Notice of Appeal Filed: <u>8/19/2022</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	<b>Paul Clement</b>  <b>Clement &amp; Murphy,</b> <b>PLLC</b> <b>706 Duke ST</b> <b>Alexandria, VA 22314</b>	<b>202-742-8900 (tel)</b> <b>paul.clement@clement</b> <b>murphy.com</b>
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	<b>Ashley Keller</b>  <b>Keller Postman, LLC</b> <b>150 N Riverside Plz</b> <b>Ste 4100</b> <b>Chicago, IL 60606</b>	<b>312-741-5220 (tel)</b> <b>ack@kellerpostman.co</b> <b>m</b>

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input checked="" type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ <u>N/A</u>  Amount Sought by Defendant: \$ <u>N/A</u>  Awarded: \$ <u>N/A</u> to _____  Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No  
What is the issue you claim is one of First Impression? \_\_\_\_\_

- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No

If Yes, provide

- (a) Case Name/Statute 28 U.S.C. 1651(a)  
(b) Citation \_\_\_\_\_  
(c) Docket Number if unreported \_\_\_\_\_

- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that  
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No  
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No

If Yes, provide

- (a) Case Name See attached  
(b) Citation \_\_\_\_\_  
(c) Docket Number if unreported \_\_\_\_\_  
(d) Court or Agency \_\_\_\_\_

- (4) Will this appeal involve a conflict of law  
(a) Within the Eleventh Circuit? ☐ Yes ☒ No  
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

**Whether the district court erred in enjoining 3M Company pursuant to the All Writs Act, 28 U.S.C. 1651(a).**

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 12th DAY OF September, 2022.

Paul D. Clement

NAME OF COUNSEL (Print)

/s/ Paul D. Clement

SIGNATURE OF COUNSEL

# ATTACHMENT

Cases now pending or about to be brought before this court or any other court or administrative agency that arises from substantially the same case or controversy as this appeal:

*Estes v. 3M Company et al.*, No. 21-13135 (11th Cir.)

*Hacker v. 3M Company et al.*, No. 21-13133 (11th Cir.)

*Keefer v. 3M Company et al.*, No. 21-13131 (11th Cir.)

*Baker v. 3M Company et al.*, No. 21-12517 (11th Cir.)

*Kelley v. 3M Company et al.*, No. 21-11607 (11th Cir.)

*Adkins v. 3M Company et al.*, No. 22-12812 (11th Cir.)

*Wilkerson v. 3M Company et al.*, No. 21-12719 (11th Cir.)

These appeals, and the instant appeal, arise from the same multi-district litigation, *In re: 3M Combat Arms Earplug Products Liability Litigation*, No. 3:19-md-02885-MCR-GRJ (N.D. Fla.). These appeals do not, however, involve an issue substantially the same, similar, or related to an issue in this appeal.